

AMENDED IN SENATE APRIL 3, 2014

SENATE BILL

No. 1259

Introduced by Senator Pavley

February 21, 2014

An act to amend ~~Section 8608~~ *Sections 6120 and 10004.6* of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1259, as amended, Pavley. ~~Reclamation Board. Dams: siltation studies.~~

Existing law requires the Department of Water Resources to make or cause to be made investigations and gather or cause to be gathered data as needed for a proper review and study of the various features of the design and construction of dams, reservoirs, and appurtenances.

This bill would require the department, in collaboration with specified entities, to make or cause to be made investigations and to gather or cause to be gathered data for a proper review and study of the loss of storage capacity behind dams resulting from siltation. The bill would require results of the siltation study to be reflected in the quinquennial update of the California Water Plan and be provided to the appropriate policy committees of the Senate and the Assembly. The bill would require that an initial study be completed by January 1, 2017, and that a siltation study include an evaluation of cost-effective strategies for sediment removal, relative to the costs of alternative methods of flood protection and water supply.

Existing law requires the Department of Water Resources to update the California Water Plan, which is a plan for the conservation, development, and use of the water resources of the state, every 5 years. Existing law requires the department, as part of the update, to conduct

a study to determine the amount of water needed to meet the state's future needs. The department is required, one year prior to issuing each update to the California Water Plan, to release a draft of assumptions and estimates upon which the study will be based. Existing law prescribes a list of subjects for which the department is required to release those assumptions and estimates.

This bill would add estimated loss of storage capacity behind dams resulting from siltation to that list.

~~Existing law requires the Central Valley Flood Protection Board to establish and enforce standards for the maintenance and operation of flood control facilities under its jurisdiction.~~

~~This bill would make technical, nonsubstantive changes to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6120 of the Water Code is amended to
2 read:

3 6120. (a) For the purpose of enabling it to make decisions as
4 compatible with economy and public safety as ~~possible~~ possible,
5 the department shall make or cause to be made ~~such~~ investigations
6 and shall gather or cause to be gathered ~~such~~ data as may be needed
7 for a proper review and study of the various features of the design
8 and construction of dams, reservoirs, and appurtenances.

9 (b) (1) *The department shall further make or cause to be made*
10 *investigations and shall gather or cause to be gathered data as*
11 *may be needed for a proper review and study of the loss of storage*
12 *capacity behind dams resulting from siltation. The results of the*
13 *siltation study shall be reflected in the quinquennial update of the*
14 *California Water Plan developed pursuant to Chapter 1*
15 *(commencing with Section 10004) of Part 1.5 of Division 6 and*
16 *shall be provided to the appropriate policy committees of the*
17 *Senate and Assembly.*

18 (2) *An initial siltation study shall be completed by January 1,*
19 *2017.*

20 (3) *A siltation study may be based upon all of the following:*

21 (A) *A compilation of published and unpublished sedimentation*
22 *data from dam operators and other sources.*

1 (B) Original reservoir surveys at reservoirs lacking
2 sedimentation data.

3 (C) An evaluation and characterization of sediment for mercury
4 and sediment grain size.

5 (D) Modeling, including techniques such as geographic
6 information system-based reservoir sedimentation modeling.

7 (4) A siltation study shall include an evaluation of cost-effective
8 strategies for sediment removal, relative to the costs of alternative
9 methods of flood protection and water supply, including the costs
10 of constructing new dams and reservoirs.

11 (5) In designing and conducting a siltation study, the department
12 shall collaborate with the United States Bureau of Reclamation,
13 the United States Army Corps of Engineers, the United States
14 Geological Survey, and the Delta Independent Science Board.

15 SEC. 2. Section 10004.6 of the Water Code is amended to read:

16 10004.6. (a) As part of updating The California Water Plan
17 every five years pursuant to subdivision (b) of Section 10004, the
18 department shall conduct a study to determine the amount of water
19 needed to meet the state's future needs and to recommend
20 programs, policies, and facilities to meet those needs.

21 (b) The department shall consult with the advisory committee
22 established pursuant to subdivision (b) of Section 10004 in carrying
23 out this section.

24 (c) ~~On or before January 1, 2002, and one~~ One year prior to
25 before issuing each successive update to The California Water
26 Plan, the department shall release a preliminary draft of the
27 assumptions and other estimates upon which the study will be
28 based, to interested persons and entities throughout the state for
29 their review and comments. The department shall provide these
30 persons and entities an opportunity to present written or oral
31 comments on the preliminary draft. The department shall consider
32 these documents when adopting the final assumptions and estimates
33 for the study. For the purpose of carrying out this subdivision, the
34 department shall release, at a minimum, assumptions and other
35 estimates relating to all of the following:

36 (1) Basin hydrology, including annual rainfall, estimated
37 unimpaired streamflow, depletions, and consumptive uses.

38 (2) Groundwater supplies, including estimates of sustainable
39 yield, supplies necessary to recover overdraft basins, and supplies
40 lost due to pollution and other groundwater contaminants.

(3) Current and projected land use patterns, including the mix of residential, commercial, industrial, agricultural, and undeveloped lands.

(4) Environmental water needs, including regulatory instream flow requirements, nonregulated instream uses, and water needs by wetlands, preserves, refuges, and other managed and unmanaged natural resource lands.

(5) Current and projected population.

(6) Current and projected water use for all of the following:

(A) Interior uses in a single-family dwelling.

(B) Exterior uses in a single-family dwelling.

(C) All uses in a multifamily dwelling.

(D) Commercial uses.

(E) Industrial uses.

(F) Parks and open spaces.

(G) Agricultural water diversion and use.

(7) Evapotranspiration rates for major crop types, including estimates of evaporative losses by irrigation practice and the extent to which evaporation reduces transpiration.

(8) Current and projected adoption of urban and agricultural conservation practices.

(9) Current and projected supplies of water provided by water recycling and reuse.

(10) *Estimated loss of storage capacity behind dams resulting from siltation, as found by the study conducted pursuant to subdivision (b) of Section 6120.*

(d) The department shall include a discussion of the potential for alternative water pricing policies to change current and projected water uses identified pursuant to paragraph (6) of subdivision (c).

(e) ~~Nothing in this~~ *This section requires or prohibits does not require the department to update, or prohibit the department from updating* updating, any data necessary to update The California Water Plan pursuant to subdivision (b) of Section 10004.

~~SECTION 1. Section 8608 of the Water Code is amended to read:~~

~~8608. The board shall establish and enforce standards for the maintenance and operation of levees, channels, and other flood control works of an authorized project or an adopted plan, including but not limited to, standards for encroachment, construction,~~

1 ~~vegetation management, and erosion control measures. In adopting~~
2 ~~the standards, the board shall give full consideration to fish and~~
3 ~~wildlife, recreation, and environmental factors. Any violation of~~
4 ~~the adopted standards without the permission of the board is a~~
5 ~~public nuisance, and the board may commence and maintain suit~~
6 ~~in the name of the people of the state for the prevention or~~
7 ~~abatement of the nuisance.~~

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